

AMENDED IN ASSEMBLY JUNE 1, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1368

Introduced by Assembly Member ~~Nunez~~ Umberg

February 22, 2005

~~An act relating to state employees, and declaring the urgency thereof, to take effect immediately. An act relating to workers' compensation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1368, as amended, ~~Nunez~~ Umberg. ~~State employees: memoranda of understanding. Workers' compensation: apportionment: presumptions: report.~~

Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law establishes the Commission on Health and Safety and Workers' Compensation and requires the commission to conduct a continuing examination of the workers' compensation system and of the state's activities to prevent industrial injuries and occupational diseases.

This bill would require the commission to prepare a report to the Legislature, by January 1, 2007, identifying public safety workers' compensation claims for presumptive injuries that have been rated for permanent disability pursuant to the SB 899 (Chapter 34 of the Statutes of 2004) apportionment requirements, and identifying the extent to which these changes reduced permanent disability ratings.

~~Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires~~

~~the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.~~

~~This bill would approve provisions that require the expenditure of funds of memoranda of understanding entered into between the state employer and State Bargaining Units 11, 14, and 15, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.~~

~~The bill would provide that provisions of the memoranda of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate the affected provisions if funds for these provisions are not specifically appropriated by the Legislature.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) *The Commission on Health and Safety and*
- 2 *Workers' Compensation shall identify public safety workers'*
- 3 *compensation claims for presumptive injuries contained in*
- 4 *Sections 3212, 3212.1, 3212.2, 3212.3, 3212.4, 3212.5, 3212.6,*
- 5 *3212.7, 3212.8, 3212.85, 3212.9, 3212.10, 3212.11, 3212.12,*
- 6 *3213, and 3213.2 of the Labor Code that have been rated for*
- 7 *permanent disability pursuant to the SB 899 (Chapter 34 of the*
- 8 *Statutes of 2004) apportionment requirements contained in*
- 9 *Section 4663 of the Labor Code. The commission shall identify*
- 10 *the extent to which the following SB 899 changes reduced*
- 11 *permanent disability ratings:*
- 12 (1) *Causation determinations related to nonwork-related*
- 13 *factors.*
- 14 (2) *Apportionment determinations related to nonwork-related*
- 15 *factors.*
- 16 (3) *Prior injuries awarded permanent disability payments.*
- 17 (4) *The 100 percent limit on accumulated permanent disability*
- 18 *awards to a body region.*

1 *(b) The commission shall report these findings to the*
2 *Legislature by January 1, 2007.*

3 ~~SECTION 1. The Legislature finds and declares that the~~
4 ~~purpose of this act is to approve agreements pursuant to Section~~
5 ~~3517 of the Government Code entered into by the state employer~~
6 ~~and recognized employee organizations.~~

7 ~~SEC. 2. The provisions of the memoranda of understanding~~
8 ~~prepared pursuant to Section 3517.5 of the Government Code~~
9 ~~and entered into by the state employer and the following~~
10 ~~employee organizations, and that require the expenditure of~~
11 ~~funds, are hereby approved for the purposes of Section 3517.6 of~~
12 ~~the Government Code:~~

13 ~~(a) State Bargaining Unit 11, Service Employees International~~
14 ~~Union, Local 1000.~~

15 ~~(b) State Bargaining Unit 14, Service Employees International~~
16 ~~Union, Local 1000.~~

17 ~~(c) State Bargaining Unit 15, Service Employees International~~
18 ~~Union, Local 1000.~~

19 ~~SEC. 3. The provisions of the memoranda of understanding~~
20 ~~approved by Section 2 of this act that are scheduled to take effect~~
21 ~~on or after July 1, 2005, and that require the expenditure of~~
22 ~~funds, shall not take effect unless funds for these provisions are~~
23 ~~specifically appropriated by the Legislature. If funds for these~~
24 ~~provisions are not specifically appropriated by the Legislature,~~
25 ~~the state employer and the affected employee organization shall~~
26 ~~meet and confer to renegotiate the affected provisions.~~

27 ~~SEC. 4. Notwithstanding Section 3517.6 of the Government~~
28 ~~Code, the provisions of any memorandum of understanding~~
29 ~~included in Section 2 that require the expenditure of funds shall~~
30 ~~become effective even if the provisions of the memorandum of~~
31 ~~understanding are approved by the Legislature in legislation~~
32 ~~other than the annual Budget Act.~~

33 ~~SEC. 5. This act is an urgency statute necessary for the~~
34 ~~immediate preservation of the public peace, health, or safety~~
35 ~~within the meaning of Article IV of the Constitution and shall go~~
36 ~~into immediate effect. The facts constituting the necessity are:~~

37 ~~In order for the provisions of this act to be applicable as soon~~
38 ~~as possible in the 2005-06 fiscal year, and thereby facilitate the~~

- 1 orderly administration of state government at the earliest possible
- 2 time, it is necessary that this act take effect immediately.

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